

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DEVON MICHAEL
ANDERSON, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

RONALD EUGENE CARTER, JR.,

Respondent-Appellant,

and

TRACY LYNN ANDERSON,

Respondent.

UNPUBLISHED

February 3, 2005

No. 257801

Calhoun Circuit Court

Family Division

LC No. 03-000344-NA

Before: Zahra, P.J., and Neff and Cooper, JJ.

MEMORANDUM.

Respondent Ronald Eugene Carter, Jr., appeals as of right from the trial court's order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(g). We affirm.

Respondent challenges the trial court's findings concerning the statutory ground for termination. To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been established by clear and convincing evidence. *In re Sours*, 459 Mich 624, 632-633; 593 NW2d 520 (1999). Once the court determines that a statutory ground for termination has been established, it must terminate the respondent's parental rights unless there exists clear evidence, on the whole record, that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). We review the trial court's decision for clear error. *Id.* at 356-357; *In re Sours*, *supra* at 633. The decision "must strike us as more than just maybe or probably wrong" *Id.* (internal quotation marks and citations omitted).

The trial court did not clearly err in finding that § 19b(3)(g) was proven by clear and convincing evidence. The evidence that respondent was incarcerated and had very little contact with the child throughout his lifetime was sufficient to establish that he failed to provide proper

care and custody for the child. Respondent's argument on appeal addresses whether there was a reasonable expectation that he would be able to provide proper care and custody within a reasonable time. Although respondent maintains that the trial court terminated his parental rights prematurely because he was due to be released from prison in a few months, respondent's release date was not certain. Further, the trial court did not clearly err in finding that respondent's history of criminal offenses and probation violations reflected poorly on his likelihood of future success. Nor did the evidence indicate a reasonable likelihood that respondent would be able to provide a stable home for the child upon his release from prison. His plan was to live with the family of his seventeen-year-old fiancée, whom he met two months before he was imprisoned, and less than a year before the termination hearing. Additionally, respondent did not have a record of stable employment during the periods he was not incarcerated. Accordingly, the trial court did not clearly err in finding that § 19b(3)(g) was established.

In the absence of clear evidence that termination was not in the child's best interests, the trial court properly terminated respondent's parental rights to the child. MCL 712A.19b(5); *In re Trejo, supra*.

Affirmed.

/s/ Brian K. Zahra
/s/ Janet T. Neff
/s/ Jessica R. Cooper